

REMARKS

Applicant has carefully reviewed the Application in light of the Advisory Action issued May 4, 2009. Claims 1-32 are currently pending in this Application. In order to advance prosecution of this Application, Claims 1, 2, 5-12, 15-22, and 25-32 have been amended. Applicant respectfully request reconsideration and favorable action in this Application.

The Examiner issued a Final Action on January 7, 2009 . Applicant submitted a Response to Pursuant to 37 C.F.R. §1.116 on April 7, 2009. The Examiner issued an Advisory Action on May 4, 2009 indicating that the Response to Pursuant to 37 C.F.R. §1.116 had been considered but did not place the Application into condition for allowance. Applicant respectfully requests continued examination of this Application so that the Examiner can reconsider the rejection of the claims in view of the amendments and remarks provided herein.

Claims 1, 2, 4, 6, 8, 11, 12, 14-16, 18, and 32 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Application Publication No. 2005/0113077 published by Bushnell, et al. Independent Claims 1, 11, and 32 recite in general an ability to receive an incoming phone call directed to a particular user of a plurality of users associated with a call pickup group (CPG), access data indicating a current status of each of the plurality of users in the CPG in response to the incoming phone call, and communicate the status of each of the plurality of users in the CPG to one or more endpoints of each of the plurality of users in the CPG for display to each of the plurality of users in the CPG, displaying the data to a first user in the CPG for the first user to determine a current status of each of the plurality of users in the CPG to facilitate a decision by the first user regarding whether to pick up the incoming phone call directed to the particular user, whereby the endpoints can be identified by their respective Internet Protocol (IP) addresses and the endpoints can communicate using a voice over IP (VoIP). By contrast, the Bushnell, et al. application discloses a service in which an incoming call directed to a first user of a Call Pick Up Group is forwarded to the first user by a private branch exchange based on presence information obtained from a presence server. Other users in the Call Pick Up Group may receive an alert as to the incoming call directed to the first user of the Call Pick Up Group. These alerts are forwarded to the other users of the Call Pick Up Group by the private branch exchange based on their respective presence information obtained from the presence server. See Paragraphs 0042 and 0043 of the

Bushnell, et al. application. However, the Bushnell, et al. application discloses that these alerts merely notify members in the Call Pick Up Group of the existence of the incoming call directed to a particular member of the Call Pick Up Group. See Paragraph 0039 of the Bushnell, et al. application. The Bushnell, et al. patent fails to disclose that the alerts contain any status information for the particular member of the Call Pick Up Group provided to other members of the Call Pick Up Group let alone contain any status information associated with all members of the Call Pick Up Group provided to each member in response to an incoming call directed to a particular member as required by the claimed invention. In the Bushnell, et al. application, presence information is only used to determine where to forward the incoming call and the associated alerts indicating the existence of the incoming call. See Paragraphs 0042 and 0043 of the Bushnell, et al. application. The Bushnell, et al. application fails to provide any presence information to all members of its Call Pick Up Group. The Examiner points to the disclosure in the Bushnell, et al. application where, in general terms, the concept of presence technology is to enable a user and network elements to know the status and availability of another user. However, the Bushnell, et al. patent fails to disclose this concept being employed in a Call Pick Up Group implementation other than to use presence information to determine where to forward the incoming call and the alerts. The Bushnell, et al. application fails to provide any status or presence information let alone for all members of its Call Pick Up Group to each member as required by the claimed invention. Thus, the Bushnell, et al. application fails to “communicate the status of each of the plurality of users in the CPG to one or more endpoints of each of the plurality of users in the CPG for display to each of the plurality of users in the CPG” as provided in the claimed invention. Therefore, Applicant respectfully submits that Claims 1, 2, 4, 6, 8, 11, 12, 14-16, 18, and 32 are not anticipated by the Bushnell, et al. application.

Claims 7, 9, 10, 17, and 19-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2005/0113077 published by Bushnell, et al. in view of U.S. Publication No. 2004/0086102 published by McMurry, et al. Independent Claim 1, from which Claims 7, 9, and 10 depend, and Independent Claim 11, from which Claims 17, 19, and 20 depend, have been shown above to be patentably distinct from the Bushnell, et al. application. Independent Claims 21 and 31 include the features of Independent Claims 1, 11, and 32 shown above to be patentably distinct from the Bushnell, et al. application. Moreover, the McMurry, et al. application does not include any additional disclosure combinable with

the Bushnell, et al. application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 7, 9, 10, 17, and 19-31 are patentably distinct from the proposed Bushnell, et al. - McMurry, et al. combination.

Regarding Claims 21 and 31, Applicants have shown above that Bushnell, et al. fails to disclose each and every limitation of the independent claims 1, 11, and 32. Claims 21 and 31 comprise the limitations of independent claims 1, 11, and 32. The Examiner's reliance on McMurry, et al. does not account for the deficiencies of Bushnell, et al., and the Examiner does not make any assertions to the contrary. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 21 and 31 along with their dependent claims.

Claims 3 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2005/0113077 published by Bushnell, et al. in view of U.S. Patent No. 5,371,781 issued to Ardon. Independent Claim 1, from which Claim 3 depends, and Independent Claim 11, from which Claim 13 depends, have been shown above to be patentably distinct from the Bushnell, et al. application. Moreover, the Ardon patent does not include any additional disclosure combinable with the Bushnell, et al. application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 3 and 13 are patentably distinct from the proposed Bushnell, et al. - Ardon combination.

Please charge an amount of \$810.00 in satisfaction of the request for continued examination fee under 37 C.F.R. §1.17(e) to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Applicant respectfully requests a two month extension of time for submitting this Request for Continued Examination. Attached herewith is a Notification of Extension of Time in support thereof.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

If the Examiner feels that a telephonic conference is needed to clear up matters addressed herein, the undersigned attorney stands ready to discuss this Application at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any other fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Charles S. Fish', is written over the typed name.

Charles S. Fish

Reg. No. 35,870

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